

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA;  
THE STATES OF CALIFORNIA,  
DELAWARE, DISTRICT OF COLUMBIA,  
FLORIDA, GEORGIA, HAWAII, ILLINOIS,  
INDIANA, LOUISIANA, MASSACHUSETTS,  
MICHIGAN, MONTANA, NEW HAMPSHIRE,  
NEW MEXICO, NEW YORK, NEVADA,  
OKLAHOMA, TENNESSEE, TEXAS, and  
VIRGINIA; and the COUNTY OF COOK, ILLINOIS,  
and CITIES of CHICAGO and NEW YORK; ex rel.  
JAMES WAGEL; and JAMES WAGEL, individually,

CIVIL ACTION NO. 06-15275

HON. JOHN CORBETT O'MEARA

UNDER SEAL

Plaintiffs,

v.

AMERSHAM BIOSCIENCES, a division of  
GE HEALTHCARE, GE HEALTHCARE, et al.,

Defendants.

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**JOINT STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a), the United States, having intervened in part of this *qui tam* action brought pursuant to the False Claims Act, 31 U.S.C. §§ 3729-33 (FCA), and Relator James Wagel ("Relator"), hereby notify the Court of the voluntary dismissal of this action as set forth below.

In accordance with, and subject to the terms of, a settlement agreement ("the Settlement Agreement") reached between the United States, Relator, and defendant GE Healthcare ("GEHC"), the United States is voluntarily dismissing, with prejudice, the claims asserted by Relator in this action, on behalf of the United States, against GEHC and defendants Amersham Biosciences, Amersham Health, and GE Healthcare Technologies (collectively "the GEHC

Defendants”) that are based on the Covered Conduct as defined in Recitals Paragraph D of the Settlement Agreement. Relator consents to the dismissal with prejudice of those claims.

In addition, Relator is voluntarily dismissing, with prejudice to Relator and without prejudice to the United States, the remaining claims asserted by Relator in this action, on behalf of the United States, against the GEHC Defendants and all other defendants, in which claims the United States has declined to intervene. Pursuant to the False Claims Act, 31 U.S.C.

§ 3730(b)(1), the United States hereby consents to Relator’s voluntary dismissal of that portion of the action, provided such dismissal is without prejudice to the United States.

In addition, Relator is voluntarily dismissing, with prejudice as to Relator and without prejudice to the state and local governmental entities named as additional plaintiffs in this action (collectively, “the State Plaintiffs”), all claims asserted by Relator in this action on behalf of the State Plaintiffs. The undersigned counsel for Relator represent that they have informed the State Plaintiffs of Relator’s intention to voluntarily dismiss all such claims, and all of the State Plaintiffs have informed Relator that they consent to Relator’s dismissal of such claims provided dismissal is without prejudice to the State Plaintiffs.

None of the defendants has filed an answer or a responsive pleading to the Complaint.

A proposed order accompanies this Joint Stipulation of Dismissal and The Government’s Notice of Election to Intervene in Part and to Decline to Intervene in Part filed concurrently herewith.

FOR RELATOR:

s/Monica P. Navarro, with consent

MONICA P. NAVARRO

Frank Haron Weiner  
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and

s/J. Marc Vezina, with consent

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Attorneys for Relator

Respectfully submitted,

FOR THE UNITED STATES:

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Assistant Attorney General  
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Eastern District of Michigan

s/Carolyn Bell Harbin

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s/Jeffrey A. Toll, with consent

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Dated: December 21, 2011

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**PROPOSED ORDER**

The United States having intervened in part in this action, for the purpose of effectuating the settlement agreement ("the Settlement Agreement") between the United States, defendant GE Healthcare ("GEHC"), and relator James Wagel ("Relator"), and having declined to intervene with respect to Relator's allegations asserted on behalf of the United States that are not covered by the settlement, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), and the United States and Relator having filed a Joint Stipulation of Dismissal pursuant to Fed. R. Civ. P. 41(a), **IT IS HEREBY ORDERED** that:

1. Relator's complaint, the Government's Notice of Election to Intervene in Part and to Decline to Intervene in Part, the Joint Stipulation of Dismissal, and this Order be unsealed;

2. all other contents of the Court's file in this action shall remain under seal;

3. the seal be lifted on all other matters occurring in this action after the date of this Order;

4. consistent with the terms of the Settlement Agreement, the claims asserted by Relator in this action, on behalf of the United States, against GEHC and defendants Amersham Biosciences, Amersham Health, and GE Healthcare Technologies (collectively "the GEHC Defendants") that are based on the Covered Conduct as defined in Recitals Paragraph D of the Settlement Agreement are dismissed with prejudice;

5. the remaining claims asserted by Relator, on behalf of the United States, against the GEHC Defendants and all other defendants, in which the United States has not intervened, are dismissed with prejudice to Relator and without prejudice to the United States;

6. all claims asserted in the action by Relator on behalf of state and local governmental entities named as additional plaintiffs in this action (collectively, "the State Plaintiffs") are dismissed with prejudice to Relator and without prejudice to the State Plaintiffs; and

7. Relator shall serve a copy of this Order on all of the State Plaintiffs within seven (7) days after this Order is entered.

**IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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UNITED STATES DISTRICT COURT JUDGE